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Letter dated 10 February 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 12 March to 31 December 2004. The report, which was adopted by the Committee today, 10 February 2005, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Abdallah **Baali**
Chairman
Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

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Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 12 March, when the Committee was established, to 31 December 2004.

2. For 2004, the Committee's bureau consisted of Abdallah Baali (Algeria) as Chairman, and the delegations of Benin and the Philippines as Vice-Chairmen (see S/2004/280).

II. Background

3. By paragraph 20 of resolution 1493 (2003) of 28 July 2003, the Security Council decided that all States, including the Democratic Republic of the Congo, should, for an initial period of 12 months, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not parties to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo. The Security Council renewed this arms embargo until 31 July 2005 by paragraph 2 of resolution 1552 (2004) of 27 July 2004.

4. On 12 March 2004 the Security Council, by resolution 1533 (2004), took note of the recommendations contained in the Secretary-General's fourteenth report on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/1098). By paragraph 8 of the resolution, the Council established a sanctions committee to, inter alia, oversee and assess the implementation of the arms embargo imposed by paragraph 20 of resolution 1493 (2003) and renewed by paragraph 2 of resolution 1552 (2004).

5. By paragraph 10 of resolution 1533 (2004), the Council requested the Secretary-General, in consultation with the Committee, to create for a period expiring on 28 July 2004 a group of experts, consisting of no more than four members, to undertake a series of tasks related to the monitoring of the arms embargo, as set out in the resolution. The Group of Experts was appointed by the Secretary-General (see his letter to the President of the Security Council dated 21 April 2004 (S/2004/317)), and the Group submitted its first report on 15 July 2004 (S/2004/551). By paragraph 5 of resolution 1552 (2004) of 27 July 2004, the Security Council re-established the Group of Experts for a period expiring on 31 January 2005. The Group was reappointed by the Secretary-General (see his letters to the President of the Security Council dated 24 August and 21 September 2004 (S/2004/677 and S/2004/750)).

III. Summary of the activities of the Committee

6. During the reporting period, the Committee held one formal meeting on 5 May, and four informal meetings on 13, 20 and 22 July and 8 September 2004.

7. At its meeting on 5 May 2004, the Committee met with the Group of Experts established pursuant to paragraph 10 of resolution 1533 (2004) to discuss the Group's projected programme of work.

8. Upon the return of the Group of Experts to New York following the completion of their field assessment work, the Committee held informal consultations on 13, 20 and 22 July 2004 to discuss the draft report and recommendations of the Group.

9. In response to references to the Group's draft report that had begun to appear in the media, the Committee issued a press release on 22 July 2004, in which it stressed that the draft report was still under consideration by the Committee. The Committee also expressed its regret that the report had entered the public domain before its official publication and it further stressed that the contents of the report had been misrepresented in the media.

10. The Security Council considered the report of the Group of Experts on 26 July 2004, in the context of the Council's review of the arms embargo imposed by paragraph 20 of resolution 1493 (2003). On that occasion, the Chairman of the Committee commenced the review by delivering a statement summarizing the Committee's views on the report and recommendations of the Group of Experts.

11. At its informal consultations on 8 September 2004, the Committee met with the Group of Experts re-established pursuant to resolution 1552 (2004) to take stock of the follow-up action that had so far been taken in connection with the Group's previous recommendations, and to discuss the Group's projected programme of work under its new mandate.

12. By paragraph 9 of resolution 1533 (2004), the Security Council requested all States, in particular those in the region, to report to the Committee, by 12 May 2004, on the actions they had taken to implement the arms embargo imposed by paragraph 20 of resolution 1493 (2003). The members of the Committee authorized the Chairman to transmit a note verbale to all Member States, dated 14 May 2004, which recalled the relevant provisions of resolutions 1493 (2003) and 1533 (2004), and which also reminded States of the request for reports contained in resolution 1533 (2004). The Committee simultaneously authorized the Chairman to dispatch letters, dated 14 May 2004, to relevant States (Angola, Burundi, the Central African Republic, the Democratic Republic of the Congo, Kenya, Rwanda, the Sudan, Uganda, the United Republic of Tanzania and Zambia), requesting them, in accordance with paragraph 8 (a) of resolution 1533 (2004), to provide more specific information on the steps taken to implement the arms embargo.

13. During the reporting period, the Committee received replies from 35 States in response to the request contained in resolution 1533 (2004) (see appendix).

14. By paragraph 8 (e) of resolution 1533 (2004), the Security Council decided that the Committee would receive notifications in advance from States made under paragraph 21 of resolution 1493 (2003) (regarding exceptions to the arms embargo) and decide, if need be, upon any action to be taken. During the reporting period, the Committee received three such notifications (dated 22 April, 20 October and 8 December 2004) and the Committee decided to take no additional action.

Appendix

Replies received in accordance with paragraph 8 (a) of resolution 1533 (2004)

State or organization	*Date of communication*	*Symbol*
Argentina	10 May 2004	S/AC.43/2004/1
Ukraine	6 May 2004	S/AC.43/2004/2
European Union	12 May 2004	S/AC.43/2004/3
Ireland	12 May 2004	S/AC.43/2004/4
Egypt	13 May 2004	S/AC.43/2004/5
Brazil	13 May 2004 23 November 2004	S/AC.43/2004/6 S/AC.43/2004/6/Add.1
Sweden	17 May 2004	S/AC.43/2004/7
United Kingdom of Great Britain and Northern Ireland	11 May 2004	S/AC.43/2004/8
South Africa	18 May 2004	S/AC.43/2004/9
Russian Federation	20 May 2004	S/AC.43/2004/10
Mexico	20 May 2004	S/AC.43/2004/11
Slovakia	24 May 2004	S/AC.43/2004/12
Finland	24 May 2004	S/AC.43/2004/13
Belgium	26 May 2004	S/AC.43/2004/14
Costa Rica	1 June 2004	S/AC.43/2004/15
Austria	28 May 2004	S/AC.43/2004/16
Honduras	1 June 2004	S/AC.43/2004/17
Norway	8 June 2004	S/AC.43/2004/18
Syrian Arab Republic	9 June 2004	S/AC.43/2004/19
Japan	9 June 2004	S/AC.43/2004/20
Italy	10 June 2004	S/AC.43/2004/21
Moldova	11 June 2004	S/AC.43/2004/22
Switzerland	18 June 2004	S/AC.43/2004/23
Kuwait	14 June 2004	S/AC.43/2004/24
Jordan	16 June 2004	S/AC.43/2004/25

State or organization	*Date of communication*	*Symbol*
Argentina	22 June 2004	S/AC.43/2004/26
Cyprus	23 June 2004	S/AC.43/2004/27
Senegal	30 June 2004	S/AC.43/2004/28
United Arab Emirates	7 July 2004	S/AC.43/2004/29
Iceland	12 July 2004	S/AC.43/2004/30
Guyana	6 August 2004	S/AC.43/2004/31
Burkina Faso	19 August 2004	S/AC.43/2004/32
Mauritius	3 September 2004	S/AC.43/2004/33
Morocco	26 October 2004	S/AC.43/2004/34
Liechtenstein	15 December 2004	S/AC.43/2004/35